IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WP(C).No. 302 of 2007(J)

PETITIONER:

E. AJAYAN,
ASSISTANT ENGINEER, PWD ELECTRICAL SECTION,
PAINAVU, IDUKKI.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:
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1. THE CHIEF ENGINEER,
PWD ADMINISTRATION, THIRUVANANTHAPURAM.

2. SHRI GIRISH G.,
ASSISTANT ENGINEER, PWED ELECTRICAL SUB DIVISION,
MALAPPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.302 of 2007

Dated this the 4th day of January, 2007

JUDGMENT

The petitioner is a claimant for transfer from Idukki District to Malappuram District. In order to facilitate the request made by him, he had pointed out that one Ali Kunnath, who was working as Assistant Engineer in Malappuram District, had completed three years service, and therefore, he can be transferred from Malappuram District so that the petitioner can be accommodated. As per Ext.P2 judgment, this Court had directed the first respondent to consider the representation filed by him in accordance with the norms for such transfer and before orders are issued for general transfer. Ext.P3 order has been passed by the first respondent on 1.11.2006 transferring the second respondent from Kozhikode to Malappuram. The petitioner submits that he should have been posted in the vacancy arose due to the transfer of Alikunnath, as per Ext.P3; instead, the second respondent has been posted. Therefore, the petitioner is aggrieved. According to the petitioner, Ext.P3 has been passed beyond the time fixed in Ext.P2 judgment. On that ground, he says that Ext.P3 is malafide. He further says that when disposing of his representation, as directed in Ext.P2 judgment, Ext.P3 order ought not to have been passed.

2. The sum and substance of the petitioner's contention is that the judgment passed by this Court as per Ext.P2 has been given a goby. For violation of the judgment passed by this Court in another case, where the petitioner herein was the petitioner, he must invoke the provisions or Contempt of Courts Act against the first respondent. Whether the petitioner is the better claimant for transfer when compared to the second respondent is a matter to be examined by the departmental authorities. This is not a case for interference under Article 226 of the Constitution of India. Hence dismissed.

K.K.DENESAN, JUDGE

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